



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

Senate: ED DPA/SE 5-3-0-0 | 3rd Read 16-13-1-0

House: APPROP DP 8-5-0-0

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## **SB 1211: materials; activities; review; posting; schools**

**Sponsor: Senator Barto, LD 15**

**House Engrossed**

### **Overview**

Requires each school operated by a school district or charter school to post on its website a listing of learning materials and activities used for student instruction and a listing of teacher training materials and activities. Establishes a complaint process for violations of posting requirements. Prescribes additional parental review procedures that schools must follow.

### **History**

Statute declares that a parent of a student in the Arizona State Schools for the Deaf and the Blind, a school district, charter school and accommodation school (public educational institution) has the right to review learning materials and activities in advance. A parent who objects to any learning materials or activity may request to withdraw their student from the activity, class or program where the material is used ([A.R.S. § 15-113](#)).

School personnel designated by a school district governing board (governing board) must allow parents and guardians access to instructional materials currently used by or being considered for use by making available at least one copy of the instructional material available for review. Printed textbooks, supplementary books and subject matter materials may be taken from school district premises by the parent or guardian for, at most, 48 hours. Parents or guardians may only review all other materials, including films, on school district premises ([A.R.S. § 15-730](#)).

At least 60 days prior to the formal selection of textbooks, a governing board must make available at the school district office a copy of each textbook being considered for selection for public review. All meetings of committees authorized for the purposes of textbook review and selection must be open to the public (A.R.S. §§ [15-721](#), [15-722](#)).

### **Provisions**

#### ***Posting Requirements for Schools***

1. Instructs each school operated by a school district or charter school to disclose on a publicly accessible portion of its website:
  - a) The procedures or processes in effect for a parent to have access in advance to review the current learning materials and activities used for student instruction;
  - b) The procedures or processes in effect, including any changes from the prior school year, for school staff to document, review or approve lesson plans or the learning materials and activities used for student instruction and teacher training;
  - c) A listing of the learning materials and activities used for student instruction in the current school year; and
  - d) A listing of the teacher training materials and activities used in the current school year. (Sec. 3)

2. Exempts a school whose learning materials or activities are selected independently by instructors at a school site with fewer than 20 enrolled students from being required to post a listing of learning materials and activities. (Sec. 3)
3. Specifies a listing of the learning materials and activities used for student instruction must, at a minimum, be:
  - a) Organized by subject area, grade and teacher; and
  - b) Displayed in electronic formats that are searchable or sortable within each separately posted section or course. (Sec. 3)
4. Describes that a listing of the learning materials and activities used for student instruction must include:
  - a) Textbooks, articles and other required reading materials;
  - b) Videos and audio recordings, digital materials, websites and online applications;
  - c) Instructional handouts and worksheets;
  - d) Grade level or schoolwide assemblies and guest lectures;
  - e) Action-oriented civics learning assignments or projects; and
  - f) Service learning projects. (Sec. 3)
5. Mandates the information required for all learning materials and activities used for student instruction or teacher training be posted at least 72 hours before first use if the learning materials or activities are on topics of:
  - a) Discrimination, diversity, equity or inclusion;
  - b) Race, ethnicity, sex, gender or bias;
  - c) Action-oriented civics or service learning;
  - d) Social and emotional competencies; or
  - e) Any combination of these topics with other concepts. (Sec. 3)
6. Details the information required for all learning materials and activities used for student instruction or teacher training that involve the outlined topics must include:
  - a) The title, author and organization;
  - b) A link to the material or activity if freely and publicly available on the internet;
  - c) A brief description of the material or activity and information on how to request review of a copy if not freely and publicly available on the internet; and
  - d) The identity of the teacher, staff member, school official or outside presenter who created the material or activity if created for nonpublic use. (Sec. 3)
7. Permits the identity of a teacher, staff member or school official who created a material or activity for nonpublic use to be indicated by a personal title and last initial. (Sec. 3)
8. Specifies the information required for all other learning materials and activities used for student instruction or teacher training that do not involve the outlined topics must:
  - a) Include at least the title and author or organization;
  - b) Include an internet address if accessed online; and
  - c) Be displayed online within seven school days after first use. (Sec. 3)
9. Permits instructional worksheets or handouts not on the outlined topics to be listed by title or internet address alone. (Sec. 2)
10. States the information required to be posted may be posted on an ongoing basis. (Sec. 3)
11. Requires the listing of learning materials and activities for each school year to remain accessible via the school website for at least two years. (Sec. 3)
12. Asserts a listing of the learning materials and activities used for student instruction does not require the:

- a) Digital reproduction of the learning materials or activities;
  - b) Disclosure of academic assessments; or
  - c) Separate reporting of individual components of learning materials that are produced as a single volume. (Sec. 3)
13. Directs a school, for digital volumes containing works by multiple authors, to provide a table of contents or internet address that discloses the discrete works and authors contained within the volume. (Sec. 3)
  14. Requires, if possible, articles, videos or other materials from websites to be identified with an internet address specific to the relevant content used for student instruction. (Sec. 3)
  15. Exempts a school from posting or distributing a learning material or activity used for student instruction or training if doing so would constitute a copyright infringement. (Sec. 3)
  16. Allows a school, in preparing a listing of learning materials and activities used for student instruction, to use collaborative online document, spreadsheet software or an online learning management system if:
    - a) The information is publicly accessible via a posted link on the school website; or
    - b) Temporary remote access is provided on demand if using an online learning management system. (Sec. 3)
  17. Allows a school to satisfy requirements for a listing of learning materials and activities used for student instruction by posting a copy or the full text of submitted lesson plans or by providing temporary login credentials via a publicly accessible link on the school website to the school's online learning management system if:
    - a) Any learning materials and activities that are not recorded on the lesson plans or the online learning management system are listed on the school website and any materials or activities on the outlined topics are listed in accordance with posting requirements; and
    - b) Any temporary login credentials are automatically generated immediately on request and provide access for, at minimum, 72 hours at least once per 30-day period for each requestor. (Sec. 3)
  18. Specifies the access provided via the login credentials:
    - a) May be limited to learning materials and activities used for instruction at the school; and
    - b) Is not required to provide access to academic assessments, answer keys, student generated content, student performance records or other student identifying information. (Sec. 3)
  19. Defines *action-oriented civics learning assignments or projects, guest lecture, lesson plan, service learning projects* and *used for student instruction*. (Sec. 3)

#### **Complaint Process**

20. Prohibits a party from initiating legal action to enforce the posting requirements unless the party adheres to the outlined complaint process. (Sec. 3)
21. Limits a party that may initiate legal action to the Superintendent of Public Instruction, the Auditor General, the Attorney General (AG), a county attorney or a student or the parent of a student enrolled in the school district or charter school in which an alleged violation occurs. (Sec. 3)
22. Requires a party to first submit a written complaint with the specific facts of the alleged violation to the school principal. (Sec. 3)
23. Restricts a party from submitting more than one complaint of an alleged violation to the school principal in any 30-day period. (Sec. 3)

24. Allows the complaint to identify multiple materials within a single course that have not been posted in compliance with the posting requirements. (Sec. 3)
25. Directs the school principal to investigate the complaint and respond in writing within 15 school days. (Sec. 3)
26. Instructs a party, if the school principal's actions to resolve the complaint do not ensure that each material or activity identified is posted in accordance with posting requirements, to submit a written complaint with the specific facts of the alleged violation to the governing board, charter school governing body (governing body) or designated administrator. (Sec. 3)
27. Requires the governing board, governing body or designated administrator to investigate the complaint and respond in writing within 25 days. (Sec. 3)
28. Allows a party, if the action taken by the governing board, governing body or designated administrator does not resolve the complaint in accordance with posting requirements, to pursue legal action. (Sec. 3)
29. Authorizes a party, if a complaint is not resolved after the outlined complaint process, to initiate a suit in superior court to bring action for injunctive relief or a writ of mandamus to compel the governing board or governing body to ensure that each material or activity is posted in accordance with posting requirements. (Sec. 3)
30. Entitles a student or parent of a student who prevails to reasonable attorney fees. (Sec. 3)
31. Allows the court to punish the responsible official or employee for contempt in the event of noncompliance with a court order. (Sec. 3)
32. Details the circumstances in which a governing body or governing board is not liable for not posting or updating a listing of learning materials and activities. (Sec. 3)
33. Allows an attorney acting on behalf of a school district or charter school to request a legal opinion of the AG or the county attorney as to whether the actions taken by the school district or charter school comply with posting requirements. (Sec. 3)

#### ***Parental Review***

34. Mandates each school operated by a public educational institution make all learning materials and activities that have been used or planned for use available on written request for parental review at the school site. (Sec. 2)
35. Requires a governing board to make available at each school, upon written request, a copy of each textbook being considered for selection or approval for parental review, unless that textbook is not being considered for use at that specific school site. (Sec. 4, 5)
36. Expands review requirements by mandating designated school personnel allow parents and guardians access to:
  - a) For a school district, teacher training materials currently used or being considered for use by any school by making at least one copy of the materials available for review at each school site within 10 school days after written request;
  - b) For a charter school, instructional materials or teacher training materials currently used or being considered for use by making at least one copy of the materials available for review at each school site within 10 days after written request; and
  - c) For both a school district or charter school, a classroom library within 10 days after written request. (Sec. 6)
37. Prohibits a governing board, governing body or any employed staff person from purchasing or contracting for copyrighted instructional materials used for student instruction unless

parents and guardians of enrolled students are provided the opportunity to review the materials within 10 school days after submitting a written request. (Sec. 6)

- 38. Outlines the means of review for copyrighted instructional materials used for student instruction. (Sec. 6)
- 39. Declares a parent or guardian is not required to enter into terms of a nondisclosure agreement or waive any rights beyond complying with federal copyright law as a condition of reviewing copyrighted materials. (Sec. 6)
- 40. Directs each school, to the extent practicable and within the limits of federal copyright law, to allow a parent to copy, scan, duplicate or photograph portions of original materials. (Sec. 6)
- 41. Provides that statute authorizing a common school district governing board to approve all supplemental books and teaching aids before approving a course does not apply to supplemental books used in courses or programs instituted in accordance with statute relating to special education for exceptional children. (Sec. 4)
- 42. Defines *nondisclosure agreement* and *original materials*. (Sec. 6)

#### ***Miscellaneous***

- 43. Permits a municipality's website to include links to the website of each school located within the municipality that posts the required information about learning materials and activities. (Sec. 1)
- 44. Contains a severability clause. (Sec. 7)
- 45. Makes technical changes. (Sec. 1, 2, 4, 5)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note